

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRANDON CORDELL BENNETT,

Defendant.

CR-17-68-GF-BMM-JTJ

**ORDER ADOPTING FINDINGS
AND RECOMMENDATIONS AND
GRANTING MOTION TO
CHANGE PLEA**

Defendant Brandon Cordell Bennett appeared before United States Magistrate Judge Jeremiah Lynch on June 12, 2018, and entered a plea of guilty to Receipt of Child Pornography, as charged in Count II of the Indictment. Bennett further agreed to the forfeiture allegation in the Indictment. Judge Lynch entered Findings and Recommendations in this matter on June 13, 2018. (Doc.92.)

Judge Lynch determined: (1) that Bennett was fully competent and capable of entering an informed and voluntary plea; (2) that Bennett was aware of the nature of the charges against him and the consequences of pleading guilty to Count

II, and pleading true to the forfeiture allegation; (3) that Bennett understood his constitutional rights, and the extent to which he was waving those rights by pleading guilty; (4) that Bennett's plea of guilty was a knowing and voluntary plea supported by an independent basis in fact establishing each of the essential elements of the offense charged in Count II; (5) that Bennett had adequate time to review the Plea Agreement with counsel; and (6) that Bennett understood each provision of the Plea Agreement. (Doc. 92 at 1-2). Judge Lynch recommended that this Court accept Bennett's plea of guilty to Count II, that the agreed forfeiture be imposed against Bennett, and that Count I of the Indictment be dismissed. (Doc. 92 at 2). Neither party filed objections to Judge Lynch's Findings and Recommendations.

The Court has reviewed Judge Lynch's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no error in Judge Lynch's Findings and Recommendations, and adopts them in full.

Accordingly, IT IS ORDERED:

1. Bennett's Motion to Change Plea (Doc. 76) is **GRANTED**.
2. The Court will defer acceptance of the Plea Agreement (Doc. 77) until sentencing, at which time the Court will have reviewed both the Plea Agreement and the Presentence Investigation Report.

DATED this 27th day of June, 2018.

A handwritten signature in blue ink, reading "Brian Morris". The signature is written in a cursive style with a horizontal line extending from the end of the name.

Brian Morris
United States District Court Judge